

1 AN ACT concerning education.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The School Code is amended by changing Section
5 2-3.25o as follows:

6 (105 ILCS 5/2-3.25o)

7 Sec. 2-3.25o. Registration and recognition of non-public
8 elementary and secondary schools.

9 (a) Findings. The General Assembly finds and declares (i)
10 that the Constitution of the State of Illinois provides that a
11 "fundamental goal of the People of the State is the educational
12 development of all persons to the limits of their capacities"
13 and (ii) that the educational development of every school
14 student serves the public purposes of the State. In order to
15 ensure that all Illinois students and teachers have the
16 opportunity to enroll and work in State-approved educational
17 institutions and programs, the State Board of Education shall
18 provide for the voluntary registration and recognition of
19 non-public elementary and secondary schools.

20 (b) Registration. All non-public elementary and secondary
21 schools in the State of Illinois may voluntarily register with
22 the State Board of Education on an annual basis. Registration
23 shall be completed in conformance with procedures prescribed by
24 the State Board of Education. Information required for
25 registration shall include assurances of compliance (i) with
26 federal and State laws regarding health examination and
27 immunization, attendance, length of term, and
28 nondiscrimination and (ii) with applicable fire and health
29 safety requirements.

30 (c) Recognition. All non-public elementary and secondary
31 schools in the State of Illinois may voluntarily seek the
32 status of "Non-public School Recognition" from the State Board

1 of Education. This status may be obtained by compliance with
2 administrative guidelines and review procedures as prescribed
3 by the State Board of Education. The guidelines and procedures
4 must recognize that some of the aims and the financial bases of
5 non-public schools are different from public schools and will
6 not be identical to those for public schools, nor will they be
7 more burdensome. The guidelines and procedures must also
8 recognize the diversity of non-public schools and shall not
9 impinge upon the noneducational relationships between those
10 schools and their clientele.

11 (c-5) A non-public elementary or secondary school may not
12 obtain "Non-public School Recognition" status unless the
13 school requires all certified and non-certified applicants for
14 employment with the school, except school bus driver
15 applicants, to authorize a fingerprint-based criminal history
16 records check as a condition of employment to determine if such
17 applicants have been convicted of any of the enumerated
18 criminal or drug offenses set forth in this subsection (c-5) or
19 have been convicted, within 7 years of the application for
20 employment, of any other felony under the laws of this State or
21 of any offense committed or attempted in any other state or
22 against the laws of the United States that, if committed or
23 attempted in this State, would have been punishable as a felony
24 under the laws of this State.

25 Authorization for the check shall be furnished by the
26 applicant to the school, except that if the applicant is a
27 substitute teacher seeking employment in more than one
28 non-public school, a teacher seeking concurrent part-time
29 employment positions with more than one non-public school (as a
30 reading specialist, special education teacher or otherwise),
31 or an educational support personnel employee seeking
32 employment positions with more than one non-public school, only
33 one of the non-public schools employing the individual shall
34 request the authorization. Upon receipt of this authorization,
35 the non-public school shall submit the applicant's name, sex,
36 race, date of birth, social security number, fingerprint

1 images, and other identifiers, as prescribed by the Department
2 of State Police, to the Department of State Police.

3 The Department of State Police shall furnish, pursuant to a
4 fingerprint-based criminal history records check, records of
5 convictions, until expunged, to the president or principal of
6 the non-public school that requested the check. The Department
7 of State Police shall charge that school a fee for conducting
8 such check, which fee shall be deposited in the State Police
9 Services Fund and shall not exceed the cost of the inquiry.
10 Subject to appropriations for these purposes, the State
11 Superintendent of Education shall reimburse nonpublic schools
12 for fees paid to obtain criminal history records checks under
13 this Section.

14 A non-public school may not obtain recognition status
15 unless the school also performs a check of the Statewide Sex
16 Offender Database, as authorized by the Sex Offender and Child
17 Murderer Community Notification Law, for each applicant for
18 employment to determine whether the applicant has been
19 adjudicated a sex offender.

20 Any information concerning the record of convictions
21 obtained by a non-public school's president or principal under
22 this Section shall be confidential and may be transmitted only
23 to the governing body of the non-public school or any other
24 person necessary to the decision of hiring the applicant for
25 employment. A copy of the record of convictions obtained from
26 the Department of State Police shall be provided to the
27 applicant for employment. Upon the check of the Statewide Sex
28 Offender Database, the non-public school shall notify an
29 applicant as to whether or not the applicant has been
30 identified in the Sex Offender Database as a sex offender. Any
31 information concerning the records of convictions obtained by
32 the non-public school's president or principal under this
33 Section for a substitute teacher seeking employment in more
34 than one non-public school, a teacher seeking concurrent
35 part-time employment positions with more than one non-public
36 school (as a reading specialist, special education teacher, or

1 otherwise), or an educational support personnel employee
2 seeking employment positions with more than one non-public
3 school may be shared with the other non-public schools to which
4 the applicant seeks employment. Any person who releases any
5 confidential information concerning any criminal convictions
6 of an applicant for employment shall be guilty of a Class A
7 misdemeanor, unless the release of such information is
8 authorized by this Section.

9 No non-public school may obtain recognition status that
10 knowingly employs a person for whom a criminal history records
11 check and a Statewide Sex Offender Database check has not been
12 initiated or a person who has been convicted for committing
13 attempted first degree murder or for committing or attempting
14 to commit first degree murder or a Class X felony or any one or
15 more of the following offenses: (i) those defined in Sections
16 11-6, 11-9, 11-14, 11-15, 11-15.1, 11-16, 11-17, 11-18, 11-19,
17 11-19.1, 11-19.2, 11-20, 11-20.1, 11-21, 12-13, 12-14,
18 12-14.1, 12-15, and 12-16 of the Criminal Code of 1961; (ii)
19 those defined in the Cannabis Control Act, except those defined
20 in Sections 4(a), 4(b), and 5(a) of that Act; (iii) those
21 defined in the Illinois Controlled Substances Act; and (iv) any
22 offense committed or attempted in any other state or against
23 the laws of the United States that, if committed or attempted
24 in this State, would have been punishable as one or more of the
25 foregoing offenses. No non-public school may obtain
26 recognition status that knowingly employs a person who has been
27 found to be the perpetrator of sexual or physical abuse of any
28 minor under 18 years of age pursuant to proceedings under
29 Article II of the Juvenile Court Act of 1987.

30 In order to obtain recognition status, a non-public school
31 must require compliance with the provisions of this subsection
32 (c-5) from all employees of persons or firms holding contracts
33 with the school, including, but not limited to, food service
34 workers, school bus drivers, and other transportation
35 employees, who have direct, daily contact with the pupils. Any
36 information concerning the record of conviction and

1 identification as a sex offender of any such employee obtained
2 by the non-public school principal or president must be
3 promptly reported to the school's governing body.

4 (d) Public purposes. The provisions of this Section are in
5 the public interest, for the public benefit, and serve secular
6 public purposes.

7 (e) Definition. For purposes of this Section, a non-public
8 school means any non-profit, non-home-based, and non-public
9 elementary or secondary school that is in compliance with Title
10 VI of the Civil Rights Act of 1964 and attendance at which
11 satisfies the requirements of Section 26-1 of this Code.

12 (Source: P.A. 93-661, eff. 2-10-04.)